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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,465	09/14/2005	Junbiao Zhang	PU030083	8383
24498 7590 06/28/2011 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER ZIA, SYED				
ART UNIT		PAPER NUMBER		
2431				
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06/28/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,465

Applicant(s)

ZHANG ET AL.

Examiner

SYED ZIA

Art Unit

2431

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 13, 14, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 6-9, 11, 12, 15-20 and 23-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on February 14, 2011, PROSECUTION IS HEREBY REOPENED. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2431

Response to Arguments

Applicant's arguments with respect to claim 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 6-9, 11-12, 15-20 and 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 4-5, 10, 13-14 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ayyagari et al. (U.S. Patent 7,512,081).

1. Regarding Claim 1 Ayyagari teach and describe a method for controlling access by a user terminal to a communications network (**Fig.2-3**) comprising the steps of:

receiving from the user terminal [**wireless user STA 208**] a request to access the communications network [**222 Network 1 via API 206**]; transmitting to the user terminal an identity request message; receiving from the user terminal, a response to the identity request message; selecting said predetermined authentication protocol if the user terminal uses said predetermined authentication protocol (col.8 line 11 to col.9 line 15); and

determining whether the user terminal uses the predetermined authentication protocol in response to the response to the identity request message; selecting an authentication mechanism compatible with the user terminal upon determining the user terminal is not compatible with the predetermined authentication protocol, for allowing user terminal access to the communications (Fig.6 and col.13 line 22 to col.14 line 48).

2. Regarding Claim 4 Ayyagari teach and describe method for controlling user terminal access to a wireless local area network, (**Fig.2-3**) comprising the steps of: receiving from a user terminal [**wireless user STA 208**] a request to access the wireless local area network [**222 Network 1 via API 206**]; transmitting to the mobile terminal an identity request message; receiving from the user terminal, a response to the identity request message (col.8 line 11 to col.9 line 15);

determining whether the user terminal is IEEE 802.1x compliant in response to the response to the identity request message; selecting an authenticating mechanism utilizing IEEE 802. 1x if said user terminal is IEEE 802. 1x compliant; and selecting an authentication mechanism, compatible with the user terminal in response to a determination that the user terminal is not IEE 802.1x compliant, for allowing user terminal access to the wireless local area

network col.8 line 11 to col.9 line 15, Fig.6 and col.13 line 22 to col.14 line 48).

3. Regarding Claim 10 Ayyagari teach and describe an access point in communication with user terminal in a wireless local area network (**Fig.2-3**), comprising: a means to determine if the terminal device [**wireless user STA 208**] utilizes an IEEE 802.1x protocol; mean for employing the IEEE 802. 1x protocol in said access point, if said user terminal utilizes the IEEE 802. 1x protocol (col.8 line 11 to col.9 line 15); and,

means for employing an authentication means compatible with the user terminal if the user terminal employs a protocol other than the IEEE 802.1x protocol (Fig.6 and col.13 line 22 to col.14 line 48).

4. Regarding Claim 14 Ayyagari teach and describe a method for controlling access(**Fig.2-3**) by user terminal in a wireless[**wireless user STA 208**] local area network[**222 Network 1 via AP1 206**] by determining whether the user terminal utilizes an IEEE 802.1x protocol comprising the steps of: an access point communicating to the user terminal a request to identify, and if the user terminal utilizes the IEEE 802.1x protocol, acknowledging the request to identify, otherwise the access point determining that the user terminal is not IEEE 802.1x compliant and selecting an authentication mechanism compatible with the user terminal (col.8 line 11 to col.9 line 15, and Fig.6 and col.13 line 22 to col.14 line 48));.

5. Regarding Claim 21 Ayyagari teach and describe a method (**Fig.2-3**) for controlling access of a user terminal [**wireless user STA 208**] device in a wireless local area network by[**222**

Network 1 via API 206] determining whether the user terminal utilizes an IEEE 802.1x protocol comprising the steps of: communicating through the an access point to the mobile terminal a request to identify, and if the user terminal utilizes an IEEE 802.1x protocol, acknowledging the request to identify, otherwise determining by the access point that the user terminal is not IEEE 802.1x compliant and selecting an authentication mechanism compatible with the user terminal (col.8 line 11 to col.9 line 15, and Fig.6 and col.13 line 22 to col.14 line 48).

6. Claims 2-3, 5, 13 and 22 are rejected applied as above rejecting Claims 1, 4, 10 and 21. Furthermore, Ayyagari teach and describe a, wherein:

As per Claim 2, communications network comprises a wireless local area network that complies with IEEE 802.11 standards (col.13 line 22 to line 46).

As per Claim 3, including selecting an appropriate authentication server coupled to the wireless local area network in response to the determination (col.13 line 22 to col. 14 line 48).

As per Claim 5, further comprising the steps of, if the user terminal is IEEE 802.1x compliant, transmitting an authentication request to an authentication server and receiving an authentication response utilizing IEEE 802.1x protocol, and controlling user terminal access to the wireless local area network in response to the authentication response (col.8 line 11 to col.9 line 15).

As per Claim 13,, further comprises means to communicate IEEE 802.1x protocol exchanges and means to establish internet protocol packet filtering through an internet protocol packet filter means and state information to control the user terminal access during and after

IEEE 802.1x based authentication process if the access point detects that the user terminal is IEEE 802.1x protocol complaint (col.8 line 11 to col.9 line 15).

As per Claim 22, further comprising the step of deter-mining in the access point that user terminal is not IEEE 802.1x compliant if the user terminal does not receive an extensible authentication protocol identity response packet after a preset time (col.8 line 11 to col.9 line 15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz
May 30, 2011
/Syed Zia/
Primary Examiner, Art Unit 2431